

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

GRANTED IN PART: December 5, 2001

GSBCA 15364, 15370, 15652

DICK CORPORATION,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Joseph C. Kovars and Jeffrey A. Regner of Ober, Kaler, Grimes & Shriver, Baltimore, MD; and Michael T. Ambroso, Corporate Counsel for Dick Corporation, Pittsburgh, PA, counsel for Appellant.

Jeremy Becker-Welts and David M. Smith, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **NEILL**, **HYATT**, and **GOODMAN**.

GOODMAN, Board Judge.

These appeals involve claims arising under contract number GS-09P-96-KTC-0070 for the construction of the United States Courthouse and Federal Building in Phoenix, Arizona.

Appeals designated as GSBCA 15364 and 15370 were filed with the Board on July 6 and 18, 2000, and consolidated by order of the Board. On March 6-7, 2001, the Board held an alternative dispute resolution (ADR) proceeding with regard to these appeals. On August 8, 2001, appellant filed with the Board the appeal designated as GSBCA 15652, which was consolidated with the two prior appeals by Board order.

On October 21, 2001, the parties advised the board that they have settled these appeals. They have filed a joint motion for stipulated judgment providing that:

In full settlement of the claims contained in Docket Nos. 15364, 15370 and 15652, GSA will pay Dick the sum of Ten Million, Fifty Thousand Dollars and No Cents (\$10,050,000.00).

Both parties have certified that they will not seek reconsideration of or appeal this decision. The parties have also agreed to execute and submit certificates of finality to the Board. The parties will file the necessary forms with the Department of the Treasury for payment from the Judgment Fund.

Decision

Pursuant to the agreement of the parties and Rule 136(e), the Board adopts the parties' stipulation for entry of judgment and enters judgment as requested. Rule 136(e) provides that the Board may so adopt the parties' stipulation, by decision, and that such decision is an adjudication of the appeal on its merits. E.g., Flintco, Inc. v. General Services Administration, GSBCA 13618, 97-1 BCA ¶ 28,738 (1996). These appeals are **GRANTED IN PART** in the amount of \$10,050,000.

ALLAN H. GOODMAN
Board Judge

We concur:

EDWIN B. NEILL
Board Judge

CATHERINE B. HYATT
Board Judge